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for our purposes.¹¹ Hence those courts¹² which hold that proceedings *in forma pauperis* can be had only where authorized by state statute would seem to be in error, and the California court,¹³ correct in its decision that such proceedings are inherent in common-law courts of record, and exist unless expressly taken away by statute. That the California Code of Civil Procedure¹⁴ specifically provides that in justices' courts payment of certain costs in advance shall not be required of paupers is no argument that the legislature intended thereby to restrict courts of record in their common-law power. Justices' courts are dependent upon the legislature for their authority, and such a provision is nothing more than conferring upon them in part that which belongs inherently to courts of record.

It is suggested in the opinion of the California court that as the section of the Political Code was adopted in 1850, general acts of Parliament in amendment or improvement of the common law up to that date may be common law in California. A similar argument was made in *Williams v. Miles*¹⁵ and rejected by the court. In the present case the suggestion is a mere *dictum* and is disclaimed by two of the justices in a concurring opinion.

RECENT CASES

ADMINISTRATIVE LAW — POWER OF ADMINISTRATIVE OFFICER TO REVERSE A PRIOR RULING. — The federal Meat Inspection Law (34 STAT. 676) provides that manufacturers may market meat products under a trade name which is not deceptive and is approved by the Secretary of Agriculture. The Secretary of Agriculture approved plaintiff's trade name, "Cremo Oleomargarine," under which plaintiff thereafter extensively advertised and sold his product. Seven years later the secretary withdrew his approval and notified plaintiff to discontinue the use of the trade name. *Held*, that the secretary having approved the name he cannot reverse his ruling. *Brougham et al. v. Blanton Mfg. Co.*, 243 Fed. Rep. 503.

Ordinarily determinations of fact by administrative agencies within their proper jurisdiction are conclusive. *United States v. Ju Toy*, 198 U. S. 252; *Bates and Guild Co. v. Payne*, 194 U. S. 106; *Public Clearing House v. Coyne*, 194 U. S. 497; *Hilton v. Merritt*, 110 U. S. 97. But a court may review such determinations where parties interested have not been given an opportunity to be heard, or where there has been fraud or an abuse of discretion, so that there is a denial of due process of law. *Turner v. Williams*, 194 U. S. 279; *Chin Yow v. United States*, 208 U. S. 8; *The Japanese Immigrant Case*, 189 U. S. 86. The secretary's finding that the name "Cremo Oleomargarine" is deceptive is as much a finding of fact as his prior decision that it was not, and it should not be reversed in the absence of a denial of due process of law. The prior contrary ruling is not in itself sufficient evidence of fraud or abuse of discretion to establish a denial of due process.

The successful application of statutory law by administrative agencies depends almost entirely on the ability of such agencies to discriminate, unhampered by precedent, between subtle differences of fact and circumstance.

¹¹ *Chilcott v. Hart*, 23 Colo. 40; *Williams v. Miles*, 68 Neb. 463. See POPE, "English Common Law in the United States," 24 HARV. L. REV. 6.

¹² *Hoey v. McCarthy*, 124 Ind. 466; *Campbell v. Chicago R. Co.*, 23 Wis. 490.

¹³ *Martin v. Superior Court*, SAN FRANCISCO RECORDER, October 18, 1917.

¹⁴ § 91.

¹⁵ 68 Neb. 463, 470.

It would be very unfortunate, indeed, to apply the doctrines of *stare decisis* and *res adjudicata* to administrative rulings; and the Supreme Court of the United States has so held. *Pearson v. Williams*, 202 U. S. 281. Under this decision the present case is difficult to support.

ADMIRALTY — JURISDICTION — WORKMEN'S COMPENSATION LAW CONFLICTS WITH MARITIME LAW. — An award was given under the Workmen's Compensation Law of New York to the dependants of a stevedore accidentally killed while in the employ of the defendant. The case came to the United States Supreme Court on the ground (*inter alia*) that the Act conflicts with the general maritime law. CONSTITUTION, ART. III, § 2, ART. I, § 8. JUD. CODE, §§ 24, 256. *Held*, that in so far as the Act extends to matters under admiralty jurisdiction, it is unconstitutional. Holmes, Brandeis, Pitney, Clarke, JJ., dissenting. *Southern Pacific Co. v. Jensen*, 37 Sup. Ct. Rep. 524. Services of stevedores are maritime in their nature. *Atlantic Transportation Co. v. Imbrovek*, 234 U. S. 52. Congress has exclusive power to legislate concerning maritime matters. *The Roanoke*, 189 U. S. 185. See CHAPLIN, PRINCIPLES OF THE FEDERAL LAW, § 529. The states have a sphere of legislative power where uniformity is not essential, subject to supersedure by federal legislation, illustrated in the following cases. *Cooley v. Board of Wardens*, 12 How. 299; *The Lottawanna*, 21 Wall. 558; *Steamboat Co. v. Chase*, 16 Wall. 522. Since Congress has not legislated on the liability of the water carrier to the employee, it would seem that the states are at liberty to legislate in this field. See *Second Employers' Liability Cases*, 223 U. S. 1; *The Minn. Rate Cases*, 230 U. S. 352, 408. Workmen's Compensation acts have been sustained, as not in conflict with federal maritime jurisdiction. *Kennerson v. Thames Towboat Co.*, 89 Conn. 367; *Lindstrom v. Mutual S. S. Co.*, 132 Minn. 328; *Northern Pacific S. S. Co. v. Industrial Acc. Commission*, 163 Pac. 199 (Cal.); *Keithley v. Northern Pacific S. S. Co.*, 232 Fed. 255. Cf. *Berton v. Tietjen & Lang Dry Dock Co.*, 219 Fed. 763. But see *Schuede v. Zenith S. S. Co.*, 216 Fed. 566. *Neff v. Industrial Commission*, 164 N. W. 845 (Wis.) (following principal case), *contra*.

A secondary ground of the decision is that the Compensation Act attempts to give a remedy inconsistent with the clause of the judiciary act "saving to suitors . . . the right of a common-law remedy." This has been construed to mean a right to proceed *in personam* in a common-law court as distinguished from the right to proceed *in rem* according to the course in admiralty. *Knapp, etc. v. McCaffrey*, 177 U. S. 638; BENEDICTS' ADMIRALTY, 4 ed., § 128. In view of that construction the *dictum* of the principal case would seem to be erroneous. That it is at least undesirable is shown by the immediate action of Congress in amending the Judiciary Act so as to save "to claimants the rights and remedies under the Workmen's Compensation Law of any State," (S 2916) approved October 6, 1917. In view of the primary ground of the decision the validity of this amendment may well be questioned.

ADOPTION — RIGHT OF INHERITANCE — EFFECT OF A SUBSEQUENT ADOPTION ON THE RIGHT TO INHERIT UNDER A PRIOR ADOPTION. — A statute provides that the adopted "child shall . . . become . . . an heir at law" of the adopting parent, the same as if he were in fact the child of such parent. A child, legally adopted, was readopted by others with the consent of the first foster father. Upon the death of the latter, the right is claimed to inherit under the first adoption. Mich. C. L. 1897, § 8780. *Held*, that the readoption during the life of the first foster father destroyed the right to inherit from him. *In re Klapp's Estate*, 164 N. W. 381 (Mich.).

The right to inherit is not a necessary incident of the relation of parent and child. See *Calhoun v. Bryant*, 28 S. D. 266, 276, 133 N. W. 266, 271, 8 HARV. L. REV. 161, 162, 165. But that right is generally conferred on the